IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:10ev203

YVETT C. RUDOLPH,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
BUNCOMBE COUNTY GOVERNMENT;)	
AMANDA STONE; MARTIN "MARTY")	
PHILLIPS; and ANN LUNSFORD,)	
)	
Defendants.)	
)	

THIS MATTER is before the court on periodic review. Review of the docket reveals that the parties were unable to agree to a mediator on or before February 8, 2011. On February 7, 2011, defendants filed a Report on Selection of Mediator (#26) indicating that they did not agree to plaintiff's proposed mediator and plaintiff did not agree to defendants' selection. In the text of such report, the parties have asked the court to select a mediator, but have not made such in the form of a motion, and have not provided the court with a list of mediators to choose from or suggested how such mediator would be compensated and by whom.

The court is not inclined to select a mediator unless and until the court is sure that such mediator is appropriate for the case and all the parties have sufficient funds to pay their share of mediation. As the court has already determined that plaintiff has insufficient funds to pay the modest filing fee, it is concerned that plaintiff would not

have funds to pay a mediator's fee, which can run in the thousands of dollars. If the

parties believe this action is not suitable for mediation, they should so inform the court

under Local Civil Rule 16.2(B).

ORDER

IT IS, THEREFORE, ORDERED that the parties file their designation of

mediator, or an appropriate motion as discussed herein, not later than March 25, 2011.

Signed: March 14, 2011

Dennis L. Howell

United States Magistrate Judge